



1420 East Sixth Avenue
PO Box 200701
Helena, MT 59620-0701
October 25, 2001

**Montana Fish,
Wildlife & Parks**

Environmental Quality Council
Montana Audubon Society
Montana DNRC – Trust Lands Division
Montana State Library
Montana State Parks Foundation
Montana State Parks Association
Montana Environmental Information Center
State Historical Preservation Office (SHPO)
Department of Environmental Quality
Bureau of Land Management – Lewistown
Montana Wildlife Federation, P.O. Box 1175, Helena MT 59624
Department of FWP

FWP Commissioners
Directors Office
Wildlife Division
Lands Section
Legal Unit
Region 4 – Supervisor, Parks, Wildlife, and Enforcement
Senator John Tester, 709 Son Lane, Big Sandy, MT 59520-8443
Representative John Witt, 2555 Russell Road, Carter, MT 59420-8230
Chouteau County Commission, PO Box 459, 1308 Franklin, Fort Benton, MT 59442-0459
Helen Fultz, 3848 Fultz Drive, Fort Benton, MT 59442-8807
Darryl Wilson, 8522 South Frontage Road, Billings, MT 59101

Dear Interested Party:

Please find attached the Decision Notice for the proposed donation of approximately 320 acres of land in **Chouteau County**, northeast of Fort Benton, to Montana FWP.

If there are any questions or comments, please feel free to contact the undersigned at 444-3752. Thanks for your interest in this project.

Sincerely,

Tom L. Reilly 10/25/01

Tom L. Reilly
Assistant Administrator
Parks Division

DECISION NOTICE

Montana Fish, Wildlife & Parks
1420 East Sixth Ave.
Helena, MT 59620-0701

Description of Proposed Project

The proposed project is for Montana Fish, Wildlife & Parks (FWP) to accept as a donation, approximately 320 acres of privately owned land located in Chouteau County, Montana. The land is located approximately 30 miles northeast of Fort Benton (direct line). The proposed project is for acquisition of the land only. No developments or improvements are planned for the land at this time.

Public Process and Comment

A draft Environmental Assessment (EA) was written and released for public comment on September 27, 2001. The public comment period ran through October 23, 2001.

The draft EA was distributed by mail to all addressees on the cover sheet. Additionally, the draft EA was posted on the Montana Fish, Wildlife & Parks (FWP) website and legal notices were placed in the Helena Independent Record and the Great Falls Tribune.

A total of four (4) written comments on the proposed land donation project were received during the public comment period. Issues presented and a response (if appropriate) follows:

1. Prairie Dogs – One public comment received pertained to the narrative statement on page 8 of the draft EA -- “The plateau in the southeast portion of Section 35 may provide prairie dog habitat.” The comment stated that FWP should not introduce prairie dogs to the site.

Response: FWP has no plans to introduce prairie dogs to the site.

2. Wolves – one public comment stated that they hope FWP does not introduce wolves into the area.

Response: FWP has no plans to introduce wolves to the site.

3. A letter was received from the Montana Historical Society (dated October 2, 2001) stating that they had conducted a resource file search for the parcel of the proposed land donation. While not an exhaustive search, no apparent historic or archaeological sites exist in the area.

Response: N/A

4. A letter was received from the Montana Wildlife Federation (dated October 10, 2001) in support of the project.

Response: N/A

5. An internal FWP comment was received related to statements made in the draft EA concerning the lack of public access to the approximately 320 acre parcel. The draft EA refers to the site as "lacking public access" and/or being "landlocked".

Response: The draft EA does infer that there is or would be no public access to the approximately 320 acre parcel, located in the center and southern portions of Section 35. This is an error. While there are no roads that provide direct access to the site, legal public access to the parcel can be gained from two separate means. Access can be gained to the parcel via the approximately 80 acres of BLM lands located in the northeast portion of Section 35 which bound the property on the north. Additionally, Sections 33 and 34 lying directly east of Section 35 are owned by the DNRC. Legal public access to the 320 acre parcel is also available via these DNRC lands.

Decision

Based upon the analysis in the Environmental Assessment (EA) and the applicable laws, regulations, and policies, I have determined that this action will not have a significant effect on the natural or human environment. Therefore, an Environmental Impact Statement (EIS) will not be required.

It is my decision to implement the proposed action and accept the approximately 320 acre land donation from the private landowner to Montana Fish, Wildlife & Parks.

By notification of this Decision Notice, the draft EA is hereby made the final EA with the incorporation of the responses mentioned in this Decision Notice. The final EA with Decision Notice may be viewed or obtained from Montana Fish, Wildlife & Parks at the above address.

This project is subject to appeal, which must be submitted to the FWP Director in writing, and postmarked within 30 days of the date of this Decision Notice. The appeal must specifically describe the basis of the appeal, explain how the appellant has previously commented to FWP or participated in the decision making process, and lay out how FWP might address the concerns in the appeal.



Tom L. Reilly
Assistant Administrator
Parks Division
406-444-3752

10/25/01
Date